

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IME WATCHDOG, INC.,

Plaintiff,

- against -

SAFA ABDULRAHIM GELARDI, VITO
GELARDI, GREGORY ELEFTERAKIS,
ROMAN POLLAK, ANTHONY BRIDDA,
IME COMPANIONS, LLC, CLIENT EXAM
SERVICES, LLC, and IME MANAGEMENT
& CONSULTING, LLC,

Defendants.

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SAFA GELARDI and IME COMPANIONS,
LLC,

Third-Party
Plaintiffs,

- against -

CARLOS ROA,

Third-Party
Defendant.

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CARLOS ROA,

Third-Party
Counter-Claimant,

- against -

SAFA ABDULRAHIM GELARDI, VITO
GELARDI, and IME COMPANIONS, LLC,

Third-Party Counter-
Defendants.

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SECOND AMENDED PRELIMINARY
INJUNCTION
22-CV-1032 (PKC) (JRC)

PAMELA K. CHEN, United States District Judge:

Upon consideration of Plaintiff's second application for a preliminary injunction, Plaintiff's memorandum of law and supplemental briefs filed in support thereof and the accompanying declarations, Defendants' memorandum of law and supplemental brief filed in opposition thereto and the accompanying declarations, and the evidence presented at the show-cause hearing held on March 27, 2023; and

Upon consideration of the Court's Findings of Fact and Conclusions of Law, set forth in the Court's Memorandum & Order dated October 20, 2023, that Plaintiff likely will succeed on the merits of this litigation, that Plaintiff will and has suffered irreparable harm if the requested relief is not granted in part, that the balance of hardships tips in Plaintiff's favor, and that it is in the public's interest for the Court to issue a preliminary injunction,

IT IS THEREFORE ORDERED THAT:

- A. Plaintiff's application for a preliminary injunction is hereby GRANTED in part, and that Defendants, their agents, officers, and employees, and all other persons and entities in active concert or participation with them, are preliminarily enjoined from:
1. using in any manner, whatsoever—including but not limited to transferring, transmitting, selling, and/or giving to another individual or entity—Plaintiff's trade secrets, and confidential and proprietary information, in the nature of Plaintiff's: customer lists, customer information (including, but not limited to, customer names, contact information, whether customers paid the issued invoices—and if so—amounts paid, number of associate visits performed, nature of services performed and hours spent servicing the customer, and customer's preferences in connection with the independent medical examinations); invoices; website; training

handbooks; independent medical examination reports; monthly, quarterly, and/or annual reports; internal memoranda; financial information (including, but not limited to, information regarding payroll, banking, and profit and loss); and employees and agents (including which customers they service, which doctors' independent medical examinations they observed and how long such examinations lasted, and how much they earn);

2. providing any services to customers misappropriated from Plaintiff, including the customers identified on the Enjoined Customers List (attached as Exhibit A);
 3. contacting (or eliciting contact from) and/or surveilling Plaintiff's current clients, employees, and agents;
 4. franchising IME Companions LLC; and
 5. destroying any documents, whether in hard copy and/or computerized and/or other electronic media format, that are presently in Defendants' personal or corporate possession relating to IME Companions LLC, IME Watchdog, Inc., or any other matter relevant to this case.
- B. Defendants are directed to return to Plaintiff all originals and copies of documents, records, and information, whether in hard copy and/or computerized and/or other electronic media form, that contain Plaintiff's trade secrets, and confidential and proprietary information, in the nature of Plaintiff's: invoices; website; training handbooks; independent medical examination reports; customer information (including, but not limited to, customer names, contact information, whether customers paid the issued invoices and if so, amounts paid, number of associate visits performed, nature of services performed and hours spent servicing the customer, and customer's preferences in connection with the independent

medical examinations); monthly, quarterly, and/or annual reports; internal memoranda; financial information (including information regarding payroll, banking, and profit and loss); and employees and agents (including, but not limited to, which customers they service, which doctors' independent medical examinations they observed and how long such examinations lasted, and how much they earn).

This preliminary injunction shall continue until a final judgment or order is issued in this matter, unless otherwise modified in writing by the Court. Failure to comply with the preliminary injunction will result in findings of contempt and in sanctions.

SO ORDERED.

/s/ Pamela K. Chen

Pamela K. Chen

United States District Judge

Dated: October 20, 2023
Brooklyn, New York